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Right to food

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the interim report of the Special Rapporteur on the right to food, Olivier De Schutter, submitted in accordance with Assembly resolution 67/174.

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Interim report of the Special Rapporteur on the right to food

Summary

The present report outlines the contours of an emerging global right to food movement, focused over the past 10 years on the practical aspects of realizing the right to adequate food through appropriate legal, policy and institutional frameworks. The report takes stock of important progress made since the 1996 World Food Summit, highlighting emerging best practices and the role of key actors: Governments, Parliaments, courts, national human rights institutions, civil society organizations and social movements. A growing number of national right to food framework laws combined with rights-based national strategies seek to coordinate efforts across multiple sectors, improve accountability, and enable the participation of civil society and those affected by hunger and malnutrition in decision-making and the monitoring of results. At the same time, social protection systems are being redefined in terms of rights, moving away from the conception of social benefits as charitable handouts. Courts and other forms of grievance redress mechanisms, such as social audits, are playing an instrumental role in bringing about this change.

I. Introduction

1. The right to adequate food as a human right is not new. It was recognized in article 25 of the Universal Declaration of Human Rights and later reaffirmed in the International Covenant on Economic, Social and Cultural Rights (article 11), and through the right to life, in the International Covenant on Civil and Political Rights (article 6).[1] It was also included in other international instruments, including the Convention on the Rights of the Child (article 24 (2) (c) and 27 (3)), the Convention on the Elimination of All Forms of Discrimination against Women (article 12 (2)), and the Convention on the Rights of Persons with Disabilities (article 25 (f) and 28 (1)). Lastly, the right to food is recognized in a range of regional instruments such as the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1988) (article 12), the African Charter on the Rights and Welfare of the Child (1990) (article 14 (2) (c)) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) (article 15). Although the African Charter on Human and Peoples' Rights does not explicitly refer to the right to food, the African Commission on Human and Peoples' Rights has protected the right to food by relying on the provisions relating to the right to life (article 4), the right to health (article 16), and the right to economic, social and cultural development (article 22).[2]

2. The human right to adequate food has nevertheless received renewed interest in recent years, particularly since its reaffirmation at the 1996 World Food Summit in the Rome Declaration on World Food Security. The World Food Summit committed to clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger,[3] which resulted in the adoption by the Committee on Economic, Social and Cultural Rights of its general comment No. 12 on the right to adequate food (see E/C.12/1999/5), followed by the negotiation of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (Right to Food Guidelines), adopted by member States of the Food and Agriculture Organization of the United Nations (FAO) on 23 November 2004.

3. At the time of the adoption of the International Covenant on Economic, Social and Cultural Rights, the right to food was more than a symbol, but hardly more than an aspiration. It has now become an operational tool and widely recognized as a key to the success of food security strategies. At the 2009 World Summit on Food Security, Heads of State and Government agreed on the Five Rome Principles for Sustainable Global Food Security (WSFS 2009/2). Reaffirming the right of everyone to have access to safe, sufficient and nutritious food, consistent with the progressive realization of the right to adequate food in the context of national food security (para. 16), they committed to strive for a comprehensive twin-track approach to food security that consists of: (a) direct action to immediately tackle hunger for the most vulnerable; and (b) medium- and long-term sustainable

[1] As the Human Rights Committee underlines, the right to life requires States to take all possible measures to eliminate malnutrition (see general comment No. 6 (1982), para. 5).

[2] See African Commission on Human and Peoples' Rights, communication No. 155/96, *The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria*, thirtieth ordinary session, October 2001, ACDPR/COMM/A044/1 of 27 May 2002.

[3] 1996 World Food Summit Plan of Action, Commitment 7, objective 7.4.

agricultural, food security, nutrition and rural development programmes to eliminate the root causes of hunger and poverty, including through the progressive realization of the right to adequate food. In 2009, the right to food was also placed at the heart of the reformed Committee on World Food Security, the main international and intergovernmental forum for coordinated action against food and nutrition insecurity and hunger, whose vision is to strive for a world free from hunger where countries implement the Voluntary Guidelines for the progressive realization of the right to adequate food in the context of national food security (see CFS:2009/2 Rev.2, para. 4). The Comprehensive Framework for Action guiding the 22 United Nations agencies cooperating within the United Nations High-level Task Force on the Global Food Security Crisis was updated in September 2010 and now integrates a number of components relating to the right to food, recognizing the need for improved information and accountability systems (outcome 3).

4. The right to food has entered a new phase, in which implementation has become the central focus of efforts. The present report takes stock of progress made in this regard. It highlights emerging best practices and clarifies the contribution various actors can make to further strengthen this movement. It builds in part on expert meetings convened by the Special Rapporteur in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the FAO Right to Food Unit to assess progress made in Latin America and the Caribbean, Eastern and Central Africa, and West Africa. These meetings were held in Bogota on 9 and 10 June 2011, in coordination with the Second Forum of the Parliamentary Front Against Hunger in Latin America and the Caribbean, which convened in Bogota on 7 and 8 June 2011; in Nairobi on 4 and 5 April 2012; and in Dakar on 13 and 14 June 2013. In addition to members of national administrations, these regional consultations included parliamentarians and representatives of national human rights institutions, farmers' organizations and national and international non-governmental organizations.

5. The views of the Special Rapporteur were also informed by the 11 country visits he has undertaken since the beginning of his mandate, as well as by various working visits, including a recent visit to India from 2 to 5 July 2013 at the invitation of the right to food campaign. Finally, he benefited from the replies to a questionnaire sent on 5 February 2013 to all United Nations Member States.[4]

II. The right to food: a contribution at three levels

6. The right to food has more to do with modes of production and issues of distribution than with levels of food production alone. It primarily aims to guarantee to each person, individually or as part of a group, permanent and secure access to diets that are adequate from the nutritional point of view, sustainably produced and culturally acceptable. Such access can be ensured through three channels that often operate in combination: (a) self-production; (b) access to income-generating activities; and (c) social protection, whether informally through community support or through State-administered redistributive mechanisms. As such, depending on the population concerned, the right to food is closely related to the right of access to resources such as land, water, forests and seeds, that are essential to those who

[4] Replies received are available from http://www.ohchr.org/EN/Issues/Food/Pages/QuestionnaireGA68thSession.aspx.

produce food for their own consumption; the right to work, guaranteed under article 6 of the International Covenant on Economic, Social and Cultural Rights; and the right to social security, protected under article 9 of the Covenant.

7. The right to food seeks to ensure access to adequate diets. Although access is necessary for individuals to be adequately nourished, it is not the only requirement. Obviously, food availability is also required (which necessitates appropriate functioning of markets to ensure that foodstuffs can travel from the producers to the markets and from food-surplus regions to food-deficit regions). Access to health-care services and sanitation, as well as adequate feeding practices, are also essential. In this regard, the right to food is also closely connected to the right to health and to what is described as adequate "utilization".

8. The contribution of the right to adequate food to the eradication of hunger and malnutrition operates at three levels. First, as a self-standing right recognized in international law and in a range of domestic constitutions, it imposes on States obligations to respect, protect and fulfil the right to adequate food. Second, the right to food encourages the transformation into legal entitlements of social welfare benefits that individuals or households receive under governmental food security schemes. Third, the right to food requires that States adopt national strategies to progressively realize the components of the right to food that cannot be immediately guaranteed. The significant progress achieved at each of these levels in recent years has been brought about by the interplay of different actors, including courts, parliaments, governments, national human rights institutions, civil society and social movements.

A. Obligations to respect, protect and fulfil

9. The right to food is increasingly stipulated in domestic constitutions, as recommended by Guideline 7 of the Right to Food Guidelines. In 1994, South Africa included the right to food in article 27 of the post-apartheid Constitution. Other countries have followed suit. The new Constitution of Kenya, approved by a popular referendum in 2010, states the right of every person to be free from hunger and to have adequate food of acceptable quality; like that of South Africa, the Constitution imposes on the State a duty to respect, protect, promote and fulfil that right. A 2011 study identified 24 States in which the right to food was explicitly recognized, although in about half of them, it was recognized for the benefit of a particular segment of the population only, such as children, and sometimes through another human right such as the right to life.[5] Since that study was completed, articles 4 and 27 of the Constitution of Mexico were amended in order to insert the right to food. In El Salvador, Nigeria, and Zambia, processes of constitutional revision are under way that may lead to insertion of the right to food in the respective Constitutions.[6] In other countries, such as Uganda and Malawi, ensuring access to adequate food and nutrition is defined as a principle of State policy.[7] In

[5] See Lidija Knuth and Margret Vidar, *Constitutional and Legal Protection of the Right to Food Around the World*, FAO Right to Food Unit (Rome, 2011), p. 15.

[6] See, for example, First Draft Constitution of the Republic of Zambia (30 April 2012), article 62 (1) (c).

[7] In Malawi, the right to food is also recognized as part of the right to development (see article 30 (2)).

Germany, the right to food is indirectly protected by the guarantee to a decent subsistence minimum so that everyone may live in dignity. In addition, among the countries that replied to the Special Rapporteur's questionnaire, a number, including Argentina and Norway, implicitly guarantee the right to food by granting constitutional rank or a rank superior to the Constitution to the International Covenant on Economic, Social and Cultural Rights and other international human rights treaties ratified by the State.

10. These are not symbolic advances. Victims of violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition (see E/C.12/1999/5, para. 32). The recognition of the right to food in domestic law empowers courts or other independent monitoring bodies to impose compliance with the obligations of the State to respect, to protect and to fulfil the right to food. Significant progress has been made in this regard in recent years.[8]

1. Obligation to respect

11. The obligation to respect requires that the State refrain from interfering with the existing levels of enjoyment of the right to food and that it guarantee existing entitlements, for instance, by ensuring that those who produce their own food be secure in their access to the resources, including land and water, on which they depend, or by ensuring that those who could have access to income-generating activities allowing them to purchase food are not denied such access.

12. Courts are generally well-equipped to enforce this obligation. In the case of *Kenneth George and Others v. Minister of Environmental Affairs and Tourism*, the High Court of South Africa ordered a revision of the Marine Living Resources Act, requiring the development of a new framework taking into account international and national legal obligations and policy directives to accommodate the socioeconomic rights of [small-scale] fishers and to ensure equitable access to marine resources for those fishers.[9] This resulted in the adoption of a new Small-Scale Fisheries Policy in May 2012, which recognizes the importance of small-scale fisheries in contributing to food security and as serving as a critical safety net against poverty.[10] In Honduras, the Sectional Court of Appeal in San Pedro Sula granted a constitutional remedy in the Brisas del Bejuco case in order to prevent the eviction of a group of small-scale farmers, referring to the obligation of the State to protect the right to food under the International Covenant on Economic, Social and Cultural Rights. The African Commission on Human and Peoples' Rights has protected the resources

[8] See also Christian Courtis, "The right to food as a justiciable right: challenges and strategies", *Max Planck Yearbook of United Nations Law*, vol. 11, 2007, pp. 317-337; FIAN International, *Advancing the right to food at the national level: Some lessons learned*, Heidelberg, 2009; Jose Luis Vivero, "Hunger for justice in Latin America. The justiciability of social rights in hungry democracies", in Martín-López & Vivero, eds., *New challenges to the Right to Food* (Barcelona, Editorial Huygens, 2011); Christophe Golay, *Droit à l'alimentation et accès à la justice* (Brussels, Bruylant, 2012).

[9] See Case EC1/05, High Court of South Africa (Cape of Good Hope Provincial Division).

[10] See also the position of the Human Rights Committee, noting that if managed inequitably, a system of fishing quotas may result in discrimination, in violation of article 26 of the International Covenant on Civil and Political Rights: Human Rights Committee, *Haraldsson and Sveinsson v. Iceland*, communication No. 1306/2004, decision of 24 October 2007, CCPR/C/91/D/1306/2004 (about the Iceland Fisheries Management Act No. 38/1990).

on which the Ogoni people depend for their livelihoods against the damage caused by oil companies operating on their territories,[11] a position reaffirmed in 2012 by the Court of Justice of the Economic Community of West African States.[12] In all these cases, courts or quasi-judicial bodies have protected the right to food by prohibiting actions that would undermine the ability of individuals and communities to produce their own food.

2. Obligation to protect

13. The obligation to protect requires that the State protect individuals' enjoyment of the right to food against violations by third parties (namely, by other individuals or groups or private enterprises), including by establishing an adequate regulatory framework.[13] Courts too may play a role by intervening where private actors violate the right to food. For instance, in a case on which the Special Rapporteur wrote a letter of allegation, the High Court of Uganda at Kampala ordered on 28 March 2013 that compensation be paid to 2,041 individuals who had been evicted from their land in August 2001, when the Government of Uganda gave the land to a German company to establish a coffee plantation. The Court not only held agents of the State liable but also stated that the investors "had a duty to ensure that our indigenous people were not exploited. They should have respected the human rights and values of people and as honourable businessmen and investors they should have not moved into the lands unless they had satisfied themselves that the tenants were properly compensated, relocated and adequate notice was given to them."[14] This illustrates how courts are in a position to protect individuals against the action of third parties and how private enterprises also have a responsibility to respect human rights and to carry out human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights, as stipulated in the Guiding Principles on Business and Human Rights (see A/HRC/17/31, annex, paras. 6 and 17-21).

3. Obligation to fulfil

14. The obligation to fulfil has two components. First, States must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security (see E/C.12/1999/5, para. 15).

15. It is sometimes believed that, owing to the fact that certain dimensions of the right to adequate food can be realized only progressively, courts have no role to play in adjudicating claims concerning the alleged insufficiency of measures adopted by the State to discharge this third-level obligation. This betrays a fundamental misunderstanding about the notion of progressive realization. Progressive realization is the opposite of passivity. It requires immediate steps that are deliberate, concrete and targeted and that aim to "move as expeditiously and

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[11] African Commission on Human and Peoples' Rights, communication No. 155/96 (see footnote 2).

[12] Court of Justice of the Economic Community of West African States, *SERAP v. Federal Republic of Nigeria*, decision of 14 December 2012.

[13] See E/C.12/1999/5, para. 15. Under the International Covenant on Civil and Political Rights, see general comment No. 31 (CCPR/C/21/Rev.1/Add.13), 26 May 2004, para. 8.

[14] See *Baleke and Others v. Attorney General of Uganda and Others*, Civil Suit 179 of 2002.

effectively as possible" towards the full realization of economic, social and cultural rights (see E/1991/23-E/C.12/1990/8, annex III, paras. 2, 8 and 9).

16. Moreover, while the notion of progressive realization acknowledges that some aspects of the right to food may be realized only over time owing to resource constraints, including budgetary constraints, States still have a core obligation "to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger" (see E/1991/23-E/C.12/1990/8, annex III, para. 10 and E/C.12/1999/5, para. 14). This obligation is immediate, as also reflected in the wording of article 11 (2) of the International Covenant on Economic, Social and Cultural Rights, referring to the fundamental right of everyone to be free from hunger.

17. Lastly, there are a range of measures that, in the circumstances of each case, may be identified as measures that are available to the State and that it therefore must take in order to discharge its duties to fulfil the right to food. For instance, recognizing that illicit capital flight undermines the capacity of States parties to implement the African Charter on Human and Peoples' Rights and to attain the Millennium Development Goals, the African Commission on Human and Peoples' Rights has called upon States parties to that Charter to examine their national tax laws and policies towards preventing illicit capital flight in Africa.[15] Similarly, insufficiently progressive levels of taxation[16] or the failure to adopt certain practices that have proved to be effective in comparable contexts may be considered a violation of the duty to fulfil. This would be the case, for example, if a State fails to call upon international assistance in situations of natural disaster or where, for whatever reason, it is unable with its own resources to guarantee the basic freedom from hunger. There is a growing consensus on the appropriate methodologies for concretely identifying when the resources dedicated to the fulfilment of economic and social rights are insufficient.[17] The duty to move "as expeditiously as possible" towards that end is increasingly considered to lend itself to independent monitoring, including by courts.

18. Second, in situations of natural disaster or conflict, or "whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly" (see E/C.12/1999/5, para. 15). This component of the right to food has been invoked successfully before courts in recent years. In Nepal, the Supreme Court issued an interim order in 2008 for the immediate provision of food in a number of districts that food distribution programmes were not reaching,[18] confirming and extending its initial order on 19 May 2010.[19] It acted at the request of the non-governmental organization Pro Public, which invoked the provisions of the 2007 interim Constitution of Nepal guaranteeing the fundamental right to food sovereignty and the right to a dignified life, as well as the international obligations

[15] See resolution 236 adopted by the Commission at its fifty-third ordinary session, 23 April 2013.

[16] See A/HRC/13/33/Add.4 (mission to Guatemala), para. 87; A/HRC/13/33/Add.6 (mission to Brazil), para. 36.

[17] See, for example, Centre for Economic and Social Rights, *The OPERA Framework: Assessing compliance with the obligation to fulfil economic, social and cultural rights* (New York, 2012).

[18] See *Prakash Mani Sharma and others on behalf of Forum for Protection of Public Interest (Pro Public) v. Prime Minister and Office of Council of Minister and Others* (writ No. 0065-w0-149 of 2065 BS) (2008).

[19] *Pro Public v. Government of Nepal* (writ No. 0149/065) (decision of 19 May 2010).

of Nepal to fulfil the right to food. In Mexico, relying on the recent amendment to article 4 of the Constitution and the 2009 Food and Nutrition Security Law of the Federal District, one homeless person obtained on 22 March 2012 an injunction from the First District Administrative Judge of the Federal District, directed in particular against the Secretariat for Social Development and the National Coordination Office of the "Desarrollo Humano Oportunidades" programme for a failure of the authorities to comply with their obligation to protect the rights to health, to food and to housing.[20] In May 2013, a juvenile court in Guatemala ordered 10 Government institutions to adopt a set of 26 specific measures to compensate damages caused to five children in two villages of Camotán, who were left malnourished as a result of the State's failure to provide support. The order was based on the 2005 Food and Nutrition Security Law and Guatemala's obligations under the International Covenant on Economic, Social and Cultural Rights. It included such restitution and compensation measures as food assistance, land distribution, water access, agricultural training and seed provision. Where the situation of individuals or communities is so desperate as to condemn them to hunger unless they are given support, courts routinely have relied on the right to life to impose such obligations to provide.[21]

19. Despite the significant progress made in recent years, some dimensions of the right to food remain underdeveloped. This is especially the case as regards its extraterritorial dimensions. According to the Committee on Economic, Social and Cultural Rights, the duties associated with the right to food extend to all situations, whether located on a State's national territory or abroad, over which a State may exercise influence without infringing on the sovereignty of the territorial State (see E/C.12/2000/4, para. 39, E/C.12/2002/11, para. 31 and E/C.12/2011/1). This is reaffirmed in the Maastricht Principles on the extraterritorial obligations of States in the area of economic, social and cultural rights, adopted by a group of international law experts on 28 September 2011, as well as in the Guiding Principles on Extreme Poverty and Human Rights, endorsed by the Human Rights Council on 27 September 2012 (see A/HRC/21/39, para. 61). Yet, the mechanisms allowing victims of violations of the right to food in extraterritorial situations are often non-existent or hardly accessible in practice. On the whole, however, the examples above show a remarkable progress of the right to food since the Right to Food Guidelines were adopted.

B. From charity-based schemes to legal entitlements

1. The principle

20. Policies aimed at eradicating hunger and malnutrition that are grounded in the right to food shall redefine as legal entitlements benefits that have traditionally been

[20] Information from the Government of Mexico.

[21] See, for example, Inter-American Court of Human Rights, *Sawhoyamaxa Indigenous Community v. Paraguay*, Judgement of 29 March 2006 (violation of the right to life for failure to provide food, water and health services to 19 members of a destitute indigenous community, including 18 children); Inter-American Commission on Human Rights, Precautionary Measure (20 June 2011): No. 121/11-14 Q'echi indigenous communities of the municipality of Panzós, Guatemala (to provide food and shelter to between 700 and 800 families of 14 Q'echi indigenous communities in the municipality of Panzós, Alta Verapaz, living in precarious conditions, without access to food and water, after they had been evicted from their land).

seen as voluntary handouts from States. The right to food requires that schemes providing benefits, whether guaranteeing access to food or promoting agricultural and rural development and national social protection floors, be consolidated into legal entitlements, clearly identifying the beneficiaries and providing them with access to redress mechanisms if they are excluded. In the same spirit, paragraph 7 of International Labour Organization (ILO) Recommendation No. 202 concerning national floors of social protection provides that national laws and regulations [establishing basic social security guarantees] should specify the range, qualifying conditions and levels of the benefits giving effect to these guarantees. Impartial, transparent, effective, simple, rapid, accessible and inexpensive complaint and appeal procedures should also be specified. Access to complaint and appeal procedures should be free of charge to the applicant. Systems should be in place that enhance compliance with national legal frameworks.[22]

21. This transforms the relationship between the authorities in charge of delivering the benefits and the beneficiaries into a relationship between duty-bearers and rights-holders. The institutionalization of social protection schemes facilitates decentralized monitoring of their implementation and broader accountability. It acts as a safeguard against elite capture, corruption, political clientelism or discrimination. Various studies also show that, in the absence of such safeguards, farm inputs as well as extension services may benefit primarily the elites or the best-connected households, leaving aside the poorest producers or those living in remote areas, as well as women.[23]

22. Such institutionalization will be effective provided a number of conditions are fulfilled: the beneficiaries must be informed about their rights under the programme; the claims mechanisms that they must have access to should be established at a decentralized level and should be free and accessible without excessive formalities and without language barriers for ethnic groups; the claims mechanisms must have the capacity to process these claims and the power to prescribe remedies; they must act in ways that are independent and impartial; and the claimants should not be exposed to retaliation for exercising their rights.

2. The role of institutional actors

23. Courts may contribute to strengthening benefits into legal entitlements. Following the filing of the public interest litigation Petition (Civil) No. 196/2001, *People's Union for Civil Liberties v. Union of India and Others (PUCL)*, the Supreme Court of India derived from the right to life mentioned in article 21 of the Constitution a series of requirements articulating how various social programmes should be expanded and implemented in order to ensure that the population is guaranteed a basic nutritional floor. This is to this date the most spectacular case of

[22] Adopted at the 101st session of the International Labour Conference on 14 June 2012.

[23] See G. Mansuri and V. Rao, "Community-based and -driven development: A critical review", *The World Bank Research Observer*, vol. 19, No. 1 (2004), pp. 1-39; Jean-Philippe Platteau, "Monitoring elite capture in community-driven development", *Development and Change*, vol. 35 (2004), pp. 223-246; Lei Pan and Luc Christiaensen, "Who is Vouching for the Input Voucher? Decentralized Targeting and Elite Capture in Tanzania", *World Development*, vol. 40, No. 8 (2012), pp. 1619-1633; A/HRC/22/50, paras. 29-38.

a court protecting the right to food.[24] The Court prohibited the withdrawal of the benefits provided under existing schemes, including feeding programmes for infants, pregnant and nursing mothers and adolescent girls; midday school meal programmes; pensions for the aged; and a cash-for-work programme for the able-bodied, thus converting such benefits into legal entitlements.[25] Moreover, the Court expanded on and strengthened existing schemes, to ensure that they provide effective protection against hunger. For instance, it ordered that school meals be locally produced and be cooked and hot, whereas in the past children were fed with dry snacks or grain, and that preference be given, in the hiring of cooks, to *Dalit* women; it raised the level of old-age pensions; and, consistent with the idea that the schemes implement a constitutional right, it ordered their universalization, significantly expanding the number of beneficiaries. To supervise the implementation of its orders, the Court also established two independent Commissioners to monitor the implementation of programmes fulfilling the right to food throughout the country.

24. Providing a legal framework to public programmes that aim to ensure food security may strengthen these programmes and ensure that they are maintained across time. The recent developments following the "right to food case" in India provide an example. On 5 July 2013, the Government adopted the National Food Security Ordinance, based on a legislative bill initially tabled in 2011.[26] This new legislation is aimed at ensuring access to food throughout the life cycle for two thirds of the population of India through a combination of a variety of programmes that will henceforth be considered legal entitlements, making their removal unlikely even if political winds change.

25. From the point of view of the right to food, the provisions that ensure transparency and accountability in the implementation of the programmes are particularly noteworthy. As part of the reform of the Targeted Public Distribution System, all transactions relating to the distribution of foodgrains will be computerized, from the stage of procurement to the stage of delivery, in order to ensure transparent recording of transactions at all levels and to prevent diversion (sect. 12 (2) (b)); and the records are to be made available to the public (sect. 27). Periodic social audits must be performed on the functioning of the fair price shops, Targeted Public Distribution System and other welfare schemes and the findings will be publicized and lead to improvements (sect. 28 (1)). State governments are to put in place grievance redressal mechanisms, which may include call centres, helplines, designation of nodal officers, or such other mechanism as may be prescribed (sect. 14). Grievance Redressal Officers will be appointed at the level of each district, with a power to hear complaints regarding non-distribution of entitled foodgrains or meals and provide redress (sect. 15). Appeals against decisions by these officers may be filed before State Food Commissions established, within each State of the Union of India, to monitor and review implementation of the Ordinance (sect. 16). In addition to hearing appeals against decisions by District Grievance Redressal Officers, their powers include inquiring about implementation of the

[24] It is not unique, however. The expansion of social programmes can operate through the non-discrimination requirement: see, for example, *United States Department of Agriculture v. Moreno*, 413 U.S. 528 (1973).

[25] See Harsh Mander, "Food from the Courts: The Indian Experience", *IDS Bulletin*, vol. 43 (July 2012), pp. 15-24.

[26] See *The Gazette of India*, 5 July 2013 (Ordinance No. 7 of 2013).

Ordinance, whether upon receiving complaints or at their own initiative; making recommendations for improvements; and preparing annual reports to the State Legislature. Finally, vigilance committees are to be established at the various levels, from the fair price shop level to the state level, with a view to ensuring proper implementation and alerting the District Grievance Redressal Officer to any violation (sect. 29).

26. The National Food Security Ordinance could be further improved. Questions relating to access to productive resources for food producers are omitted, and too little attention has been paid to issues of nutrition. For destitute persons, Grievance Redressal Officers established at the District level may be, in fact, inaccessible. Although they are to exercise quasi-judicial investigatory powers (sect. 20), the State Food Commissions, whose six members are to be appointed as provided by each State government, may not present the required guarantees of independence and impartiality to function effectively as monitoring bodies. The Ordinance nevertheless provides an example of a food security law that defines as legal entitlements a large range of benefits that are aimed at ensuring that people are not denied access to food simply because they are poor, and establishes a set of accountability mechanisms at different levels.

27. Although remarkable, the example is of course not isolated. In fact, in most countries, social protection schemes and support to food producers are provided for in the law, and lack of implementation can be remedied by courts. However, formal redress mechanisms through the judicial system may be inaccessible to the destitute, who lack any legal literacy and have no support, or to communities who fear all organs of the State. Such groups must have access to alternative redress mechanisms.

3. Citizens as monitors

28. Social audits, in particular, have proved to be particularly useful to the poor and illiterate, both because they are more proximate and because they involve communities rather than individuals acting alone. They may take different forms. Government officials may have to report publicly to village assemblies on the use of funds allocated to certain programmes and on the allocations received by each of the beneficiaries. The revenues of and disbursements by public authorities at all levels may have to be published on the Internet, allowing non-governmental organizations to track instances of misuse or diversion of funds. In Rajasthan, the 2012 Right to Hearing Act and the accompanying Orders of 9 April 2013 provide that the filing of claims at the *panchayat* level will be facilitated through a Hearing Officer; the claimants must be given a receipt and strict deadlines apply for a written response to be provided by the administration; regular public hearings are organized at various levels, obliging officials to provide justifications in public and ensuring that claimants will not be intimidated as in face-to-face meetings.

29. Other examples include the parallel vigilance committees set up in 1992 by women from low-income neighbourhoods in Mumbai to monitor the fair price shops under the Public Distribution System; the public expenditure tracking surveys in Ghana, Uganda and the United Republic of Tanzania to identify diversion of funds in the health and education sectors; citizens' report cards in India, the Philippines and a range of African countries, through which citizens rate the quality of the public services they are provided; community score cards in the Gambia, Kenya and Malawi, which combine report cards with public meetings between communities

and public service providers; participatory audits in the Philippines or as conducted by Javanese farmers in Indonesia.[27] Beyond post hoc accountability, participation may extend to the design of policies and the ranking of budgetary priorities: in Brazil, following the example of Porto Alegre, a number of cities have elaborated participatory budgets.

30. Social audits can also be an effective means of empowering women within the local communities, if their views are sought expressly and if the community auditing exercise is considered valid only once they are adequately represented. Importantly, such social audits can go beyond the local-level service provider. Where the reason for faulty delivery resides in inadequate allocations from the centre, social audits can strengthen the position of local service providers vis-à-vis other levels of government.

31. Social audits can be effective provided a number of conditions are met, including: (a) adequate information to beneficiaries on the entitlements they have a right to claim; (b) wide publicity to ensure broad participation across all segments of the community; (c) adequate information on inputs or expenditures, making it possible to track discrepancies with actual delivery of services; (d) technical competence of an intermediary group to facilitate the process; and (e) choice of indicators and appropriate level of the community involved.

32. Laws guaranteeing a right to information can also contribute to improving accountability in the delivery of public programmes and may be key to social audits. Research shows the effectiveness of freedom of information or transparency laws in ensuring access by citizens to entitlements, as well as the benefits of such laws for the poor or those without political connections.[28] Right to information acts, such as those in Bangladesh, Brazil, Chile, India, Norway and Pakistan, may be used by beneficiaries to access information by filing an application to demand copies of records or by visiting a public office in order to examine the records and files. For example, in India, under the National Rural Employment Guarantee Act, the attendance sheet details the names of workers, how many days of work they have completed, and the quantity of work completed (on the basis of which payment is calculated), while under the Targeted Public Distribution System, beneficiaries can tally the distribution register with their ration card to prove that rations meant for them have been sold in the black market, allowing the detection of fraudulent practices.

C. Framework laws and national strategies in support of the realization of the right to food

33. The right to food also contributes to policies aimed at eradicating hunger and malnutrition by ensuring that such policies comply with the principles of participation, accountability, non-discrimination, transparency, human dignity,

[27] United Nations Educational, Scientific and Cultural Organization (UNESCO), *Social Audits for Strengthening Accountability: Building Blocks for Human Rights-based Programming; Practice Note*, (Bangkok, UNESCO Bangkok, 2007).

[28] See L. Peisakhin and P. Pinto, "Is transparency an effective anti-corruption strategy? Evidence from a field experiment in India", *Regulation & Governance*, vol. 4, No. 3 (2010), pp. 261-280; and Paul Lagunes, "Irregular Transparency? An Experiment Involving Mexico's Freedom of Information Law" (May 2009), available from http://dx.doi.org/10.2139/ssrn.1398025.

empowerment and the rule of law.[29] Each of these principles has a foundation in international human rights law, particularly in the right to participate in public affairs, in the right to an effective remedy, and in the prohibition of discrimination. Together, they serve to address the political economy questions that play such an important part in explaining the failure to achieve durable success in tackling hunger and malnutrition. Framework laws designed in conformity with these principles allow those affected by hunger and malnutrition to co-design the policies that seek to support them. National right to food strategies ensure that the efforts made are adequately coordinated and responsibilities for implementation properly allocated.

1. Framework laws

34. Latin America has been leading the movement towards the adoption of framework laws in support of the realization of the right to food. Food and nutrition security laws grounded in the right to food have been adopted in rapid succession in Argentina (2003), Guatemala (2005), Ecuador (2006 and 2009), Brazil (2006),[30] Venezuela (2008), Colombia (2009), Nicaragua (2009) and Honduras (2011). Most recently, following the launch in Mexico of the "Crusade against Hunger" — itself anchored in the right to food as inserted in the Constitution in 2011 — and after the Legislative Assembly of the Federal District of Mexico adopted a framework law in 2009, a decree adopted on 22 January 2013 by the Secretariat of Social Development established the National System for the Crusade against Hunger. The decree creates the Interministerial Commission for the Implementation of the Crusade against Hunger (composed of 19 ministerial departments/institutions); establishes a National Council of the Crusade against Hunger, an inclusive body allowing for a permanent dialogue with the private and social sectors, the academic community and international actors; and creates community committees composed of beneficiaries of social programmes.

35. This wave of legislative reforms is continent-wide. Similar laws are currently being considered in Bolivia (Plurinational State of), Costa Rica, the Dominican Republic, El Salvador, Haiti, Panama, Paraguay and Peru. To further promote these developments, the Latin American Parliament (PARLATINO), of which 23 Latin American countries are members, adopted a model Framework Law on the Right to Food, Food Security and Food Sovereignty on 1 December 2012 at its XVIIIth General Assembly. The Framework Law underlines the duty of the State to respect, protect and promote the enjoyment of the human right to food and to guarantee the mechanisms to make the right justiciable.

36. The remarkable progress achieved over the past decade in Latin America is the result of the combined efforts of civil society, social movements, parliamentarians and national human rights institutions. FAO support to the Hunger-Free Latin America and the Caribbean Initiative[31] played a major role, together with the

[29] See Food and Agricultural Organization of the United Nations (FAO) (Right to Food Unit), *Guide to Conducting a Right to Food Assessment* (Rome, 2009), Box 2.1.

[30] See Presidential Decree 7272/2010, which includes the food and nutrition security policy guidelines implementing the "Zero Hunger" strategy.

[31] The Hunger-Free Latin America and the Caribbean Initiative is supported by FAO though its regional office in Santiago, with the financial support of Brazil, Spain and other donors. It has recently been enriched by the establishment of a Regional Observatory on the Right to Food, which aims to promote research and dissemination on the right to food.

support given to this process by the FAO Right to Food Unit and OHCHR, including through its country and subregional offices in the region.

37. The dedication of parliamentarians is particularly noteworthy. The Parliamentary Front against Hunger serves as a network for sharing best practices among national parliaments to encourage the drafting and adoption of legislation that improves the protection of the right to food. A number of parliamentary fronts have also been established at the national level. These fronts have been strengthened by initiatives taken by such regional parliamentary institutions as PARLASUR, PARLATINO, the Andean Parliament, the Central American Parliament and the Forum of Presidents of Legislative Powers of Central America and the Caribbean. In November 2011, the Central American Parliament also created a Subregional Front.

38. Progress is being made on this front in other regions as well.[32] The 2011 Zanzibar Food Security and Nutrition Act affirms the obligations to respect, protect and fulfil the right to food; establishes a National Food Security and Nutrition Council; and instructs sector ministers to account for food security and nutrition concerns in their policies and programmes and to include adequate resources in their budgets. In Malawi, a proposal was made by civil society organizations in 2010 for a national food security bill. In Mozambique, the Technical Secretariat for Food and Nutritional Security, an interministerial coordination body, led an inclusive process to the same effect. In Uganda, the Nutrition Action Plan 2011-2016 mentions the need to fast-track the adoption of the Food and Nutrition Bill, which should lead to the adoption of a Food and Nutrition Council. Senegal and Mali, in 2004 and 2006, respectively, adopted framework laws that are centred on the establishment of agricultural policies, allowing farmers' organizations to contribute to the design of such policies.[33] Although restricted to the agricultural sector and not extending to food security policies as a whole, they are a first and promising attempt to improve accountability and participation. In Indonesia, a Food Law (18/2012) was passed in November 2012 where the right to food, food sovereignty and food self-sufficiency are important pillars; a national food security agency should be established before 2015. Thailand adopted the 2008 National Food Committee Act, establishing a body composed of 11 ministers and four secretariats, as well as seven independent experts, tasked in particular to promote the adoption of food security strategies and to control, monitor and evaluate the outcomes of policies and strategies adopted in this area (section 10 (5)).

39. Such framework laws may set targets for Governments to achieve, allocating responsibilities for taking action to different branches of government and coordinating their action. Typically, however, these framework laws are procedural in nature: they establish institutions and define a process, without prejudging the outcome, and leaving it to the actors involved to design a cross-sectoral right to food strategy. These framework laws ensure that such strategies are designed and continuously monitored through an inclusive and participatory process involving government and civil society organizations. They do so by establishing national food security councils, often linked to the highest level of government and including as members both representatives from relevant ministerial departments and civil

[32] For developments until 2011, see FAO Right to Food Unit, *Right to Food: Making it Happen: Progress and Lessons Learned through Implementation* (Rome, 2011).

[33] Agro-Sylvo-Pastoral Orientation Law No. 2004-16, 4 June 2004 (Senegal); Law No. 06-045 on Agricultural Orientation, 5 September 2006 (Mali).

society. It is not unusual for such councils to provide recommendations to an interministerial task force, ensuring intersectoral coordination across departments.[34] In Brazil, the National Council on Food and Nutrition Security, two thirds of the members of which represent civil society organizations, has a consultative nature, addressing recommendations to the Inter-Ministry Chamber of Food and Nutrition Security, the interdepartmental task force in charge of implementing the national food security strategy (see A/HRC/13/33/Add.6, para. 14). In other countries, such as Guatemala and Ecuador, the body can make binding decisions (for Guatemala, see A/HRC/13/33/Add.4).

40. The involvement of civil society and farmers' organizations in the design and implementation of policies aiming at the eradication of hunger and malnutrition ensures that such policies will not be driven by political expediency. However, one of the shortcomings of current food and nutrition security systems and legal frameworks is that they do not designate the judicial, quasi-judicial and administrative bodies to which claims relating to the violation of the right to food can be presented, nor are sanctions for non-compliance set out in national law. Framework laws could be strengthened by providing recourse mechanisms to the individuals or organizations aggrieved by their lack of implementation, for instance if the Food and Nutrition Security Council does not meet as provided or if its recommendations receive no response.

41. Such a legal framework may allow for the ring-fencing of resources, ensuring that the policies that are integrated within food security strategies will be funded, without being taken hostage by changing political majorities. In Argentina, for instance, Law No. 25.724 establishing the National Programme for Food and Nutrition Security sets up a Special Food and Nutrition Fund for the implementation of the Programme. The Fund is financed through annual budget allocations from the national budget and contributions from external donors. However, the Fund is of "intangible character": if the funds available appear insufficient to achieve the objectives of the Programme, the Chief of the Cabinet of Ministers may reallocate any additional funds needed. Similarly, the draft national food security bill prepared by civil society in Malawi anticipates the creation of a specific trust fund to finance food security policies placed under the umbrella of the council that the bill aims to create. In Mali, the 2006 Law on Agricultural Policy created a National Fund for Agricultural Development, to ensure adequate financing of agricultural policies. Similar provisions for special Funds are included in Nicaragua's 2009 Law on Food and Nutritional Security and Sovereignty, although implementation measures still must be adopted.

2. National strategies

42. The Committee on Economic, Social and Cultural Rights recommends that States parties to the International Covenant on Economic, Social and Cultural Rights work towards the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks (see general comment No. 12, para. 21). Similarly, Guideline 3 of the FAO Right to Food Guidelines encourages

[34] Instead of a task force, a specific body may be in charge of such coordination. In Panama, Executive Decree No. 171 of 18 October 2004 created the National Secretariat for the Coordination and Monitoring of the National Plan on Food Security.

the adoption of a national human-rights based strategy for the progressive realization of the right to adequate food ... [which] could include objectives, targets, benchmarks and time frames; and actions to formulate policies, identify and mobilize resources, define institutional mechanisms, allocate responsibilities, coordinate the activities of different actors, and provide for monitoring mechanisms.

43. Such strategies fulfil three key functions. First, they identify the measures to be adopted, assigning responsibilities across different departments and imposing deadlines. This increases accountability: failure to deliver will be noticed and will be imputable to specific bodies that will be called upon to justify lack of implementation; and monitoring by independent bodies, including courts, national human rights institutions or food and nutrition security councils, is facilitated. Such monitoring and evaluation of food security policies ensure permanent feedback and thus learning from experience, so that the policies are constantly improved in the light of successes and failures in implementation.

44. Second, they allow for a whole-of-government approach, in which various policies in the areas of health care, education, employment and social protection, agriculture and rural development are coordinated. This favours the identification of synergies among programmes that fall under the responsibility of different departments, such as school-feeding programmes that source from local small-scale producers or food-for-work programmes that improve rural infrastructures. This coordinating function is also important in States with a federal structure, to improve alignment among policies pursued at different levels of government: in Mexico, one of the tasks of the Interministerial Commission for the Implementation of the Crusade against Hunger is to promote integrated agreements between entities at the federal and municipal level. Similarly, in an increasing number of States, food policy councils are being established at the local level, either at the initiative of municipalities or by citizens. These multi-stakeholder councils have a key role to fulfil in democratizing the food systems and in identifying synergies among different policy sectors at the local level: national-level strategies can support this by ensuring that such local-level initiatives are strengthened, rather than undermined, by various sectoral policies.

45. Third, multi-year strategies make it possible to combine short-term approaches (that prioritize access to food for the hungry) and long-term concerns (removing the structural causes of hunger), building bridges across them. This is especially important where, as is often the case for low-income countries, years of underinvestment in agriculture has led them to increase their dependency on food imports and food aid, leading to a vicious cycle in which imports and aid discourage local production, which in turn increases dependency, increasing vulnerability in a context of higher and more volatile prices on international markets. Such countries must gradually reinvest in local production and social protection, but the transition from a high dependency on food aid and imports must be managed across time: a multi-year strategy facilitates the management of such a transition.

46. Providing such a predictable framework is essential to attract investors and to allow the private sector to adapt to what the strategy entails. It is also important for public programmes to bridge the gap between short-term and ad hoc approaches and longer-term objectives. For instance, it has been found that school-feeding programmes work best when they are part of multi-year strategies, with predictable and secured funding. This favours investment in local food producers supplying the

programme and in the skills required to implement it, including cooking skills that must be mobilized within schools or community kitchens serving schools.[35]

III. The right to food movement

A. Branches of government

47. The increasing recognition of the importance of a legal and policy framework grounded in the right to food reflects a growing understanding that hunger is not simply a problem of supply and demand, but primarily a problem of a lack of access to productive resources such as land and water for small-scale food producers; limited economic opportunities for the poor, including through employment in the formal sector; a failure to guarantee living wages to all those who rely on waged employment to buy their food; and gaps in social protection.

48. The remarkable success of Brazil in reducing child malnutrition rates over the past 15 years bears witness to the power of strategies such as "Zero Hunger" and participatory approaches. Beyond that example, recent research shows that countries that have made significant progress in reducing malnutrition present a number of common characteristics. First, they sought to adopt a multisectoral approach to combating hunger and malnutrition. Their strategies combined attention to agriculture, with the mainstreaming of nutrition in health-care policies, and coordinated policies in the areas of education, gender, water, sanitation and habitat, pro-poor economic development (both through employment and income generation for the poor and through social development), and trade. Second, in almost all cases, the political impetus at the highest level of government was a key factor. Change was achieved after Governments placed food and nutrition security at the top of the political agenda and adopted strategies specifically aimed at combating hunger and poverty. Third, civil society participation and empowerment were essential, contributing to the sustainability of policies across time and improving their acceptance and impact among affected populations. Fourth, multiphased approaches were the most effective, as allowed by multi-year national strategies combining both short-term interventions and long-term approaches to nutrition. Fifth, the establishment of institutions monitoring progress ensured that the political pressure remained present throughout the implementation phase of the strategy and that the resources were committed. Sixth, the continuity of financial investment from national resources, supplemented with external matching funds, was vital: one-time efforts, over short periods, failed to achieve significant impact.

49. These are the ingredients of success that approaches grounded in the right to food provide. All branches of government — legislative, executive and judiciary — have a responsibility to contribute to this implementation. As illustrated by the range of examples above, the protection of the right to food requires a legislative framework, policies implementing food security strategies, and enforcement through judicial means. Yet, even that may not suffice. Various veto points may make it difficult for political systems to create the requisite conditions for accountability. The poor are often a constituency that matters less to politicians. The poor may experience considerable difficulties in accessing judicial redress mechanisms, which

[35] World Food Programme, *Learning from Experience: Good practices from 45 years of school-feeding* (Rome, 2012), p. 35.

is why social audits matter. The role of other actors, national human rights institutions and civil society, is therefore essential.

B. National human rights institutions

50. National human rights institutions established in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles; see General Assembly resolution 48/134, annex) can play a crucial role in monitoring compliance with the right to adequate food and, where they have such competence, to examine complaints filed by aggrieved individuals.[36] In India, investigations by the National Human Rights Commission facilitated the work of the Supreme Court and that of the Commissioners of the Court by inquiring into the implementation of schemes securing livelihoods. In Colombia, the Office of the Public Defender presented a report on the implementation of the 2008 National Food and Nutrition Security Policy, recommending improvements to the legal framework and to mechanisms ensuring coordination. In Guatemala, the Office of the Human Rights Ombudsman has a specific mandate to monitor the implementation of the national food and nutrition security policy.[37] Its 2011 report regretted persistent coordination failures despite the establishment of the National Council on Food and Nutrition Security, and its 2012 report encouraged improved funding for food and nutrition security programmes, which remain highly dependent on foreign aid. In El Salvador, the Office of the Human Rights Ombudsman has prepared three national reports since 2007 proposing the development of an appropriate legal and political food and nutrition security framework to guarantee the right to food. National human rights institutions in a range of other countries, including Cameroon, Honduras, Malawi, Slovenia, South Africa and Venezuela (Bolivarian Republic of), monitor violations of the right to food. In Norway, an important function of the Parliamentary Ombudsman is to investigate complaints concerning social security benefits.

51. National human rights institutions, ombuds institutions or human rights ombudsmen may go beyond monitoring violations and reporting. They occasionally may seize judicial authorities or trigger action by food and nutrition security councils established under framework laws on the right to food. In Argentina, the National Ombudsman requested in 2007 that the Supreme Court order the national State and the Government of Chaco Province to provide food and drinking water to the province's indigenous Toba communities. In Brazil, a similar role can be played by the Public Ministry, which is composed of independent public prosecutors that can hold public authorities accountable in the implementation of programmes relating to food and nutrition.

52. The major advantages of national human rights institutions or equivalent institutions are their independence and the flexibility with which they can exercise

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[36] The Committee on Economic, Social and Cultural Rights identified the various tools national human rights institutions could use to promote and protect economic and social rights (see E/C.12/1998/25); see also E. Brems et al. (eds.), *National Human Rights Institutions and Economic, Social and Cultural Rights* (Antwerp, Oxford, New York: Intersentia, 2013).

[37] See A/HRC/13/33/Add.4, para. 66. Pursuant to article 15 (j) of Legislative Decree No. 32-2005, the National Council for Food and Nutrition Security must follow up on the recommendations issued by the Ombudsman.

their mandates. This allows innovative solutions to develop. For instance, the South African Human Rights Commission supported the Southern Africa Food Security Change Lab, linking the various actors of the food chain with non-governmental organizations, academics, and Government officials in the search for innovative solutions that can improve the sustainability of the food chains (see A/HRC/19/59/Add.3, para. 32). National human rights institutions can also recommend the adoption of legislation protecting the right to food or ensure that national food security policies adopt a rights-based approach, as was done by the Uganda Human Rights Commission with regard to the Nutrition Action Plan 2011-2016.

C. Civil society and social movements

53. The mobilization of civil society and social movements has played a key role in support of the legal developments described in the present report. The 2011 reform that led to the insertion of the right to food in the Constitution of Mexico followed 20 years of advocacy by civil society groups, initiated in 1992 when 130 organizations forming the Mexican Front for the Right to Food presented to the national Chamber of Deputies a petition for the constitutional recognition of the right to food: the same coalition is now actively preparing a food and nutrition security framework law. Similarly, in Brazil, the proposal that led to the 2010 constitutional amendment recognizing the right to food was initially presented by a member of Parliament in 2003 and subsequently promoted by the President of the national Parliamentary Front for Food and Nutrition Security, Mr. José Nazareno Fonteles, with the support of various civil society organizations. In India, the right to food case before the Supreme Court led to the emergence of a broad network of individuals and organizations, the Right to Food Campaign, which has played an essential role in providing the court with information about the implementation of social programmes and in monitoring compliance with its orders.

54. In Haiti, a national platform of civil society organizations was a major driving force behind the adoption in March 2010 of the National Plan for Food Security and Nutrition elaborated by the National Food Security Council. In Nepal, the non-governmental organization Pro Public was instrumental in the right to food case brought before the Supreme Court, mentioned in paragraph 18 above. The Bangladesh Rehabilitation Assistance Committee, a well-known non-governmental organization, has also been instrumental in scaling up the anti-hunger social protection network. In the Dominican Republic and Paraguay, civil society organizations are playing an active role in support of the adoption of food and nutrition security laws.

55. Civil society actors can develop their own, original monitoring methods, as in Brazil where they established a National Rapporteur for the Human Right to Land, Territory and Food, whose legitimacy allows him/her to become an interlocutor with the authorities. A growing number of civil society organizations such as FIAN International, the International Federation for Human Rights, Rights and Democracy, the Center for Economic and Social Rights or the Social Collective for the Right to Food have produced reports assessing the implementation of the right to food reports in various countries.

56. The launch of the Global Network on the Right to Food and Nutrition in Vienna on 24 June 2013, on the occasion of the twentieth anniversary of the Vienna

Declaration and Programme of Action, further confirms the strength of the right to food movement, across different components of society and across regions.

IV. Conclusions and recommendations

57. **The emergence of a global right to food movement is an opportunity to be seized. Together with the adoption of framework laws on the right to food and of rights-based national food strategies, it represents a chance to move towards policies that are designed in a more participatory fashion and are therefore better informed and reach all intended beneficiaries; that guarantee legal entitlements and are therefore monitored by the beneficiaries themselves; that ensure the appropriate coordination and synergies — between the short-term aim of eradicating hunger and the long-term objective of removing its causes, between different sectors of government, and between the local and the national levels. The right to food has come to the fore as Governments realize that their efforts to combat food insecurity and hunger have been failing and realize the urgent need to strengthen national legal, institutional and policy frameworks. As the examples highlighted in the present report show, the tools are starting to be put into use. However, additional steps must be taken to make effective and sustainable progress in the fight against hunger and malnutrition.**

58. **In particular, the Special Rapporteur encourages:**

(a) **Governments and parliaments, at the national level, to work towards the adoption of right to food framework laws and to explore the option of including the right to food in national constitutions, seeking inspiration from the experiences of other countries, including the best practices identified in the present report;**

(b) **Governments to design multi-year, multisectoral national strategies for the realization of the right to food that are adequately funded and involve all relevant sectors and departments and are designed on the basis of inclusive and participatory processes;**

(c) **Civil society and social movements to form broad-based national networks to enable them to contribute more effectively to policymaking and monitoring, including through their representation in inclusive national right to food/food and nutrition security councils;**

(d) **Courts to recognize the justiciable nature of the right to food, in all its dimensions, as illustrated by the examples collected in the present report;**

(e) **States to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the entry into force of which will further encourage the development of a jurisprudence protecting the right to food;**

(f) **National human rights institutions and other comparable independent mechanisms to integrate more fully the right to food in their work, assigning human and financial resources to that endeavour;**

(g) **Non-judicial accountability mechanisms to be established in the form of social audits that can operate through community-based monitoring at the local level;**

(h) National social protection systems to redefine benefits as legal entitlements so that individual beneficiaries are informed about their rights under social programmes and have access to effective and independent grievance redressal mechanisms;

(i) The FAO Committee on World Food Security to serve as a catalyst to accelerate progress towards the establishment of legal, institutional and policy frameworks that are conducive to the full realization of the right to food for all, and to use the review of the implementation of the Right to Food Guidelines at its forty-first session in 2014 to encourage all member States to make effective use of the right to food to eradicate hunger and malnutrition;

(j) States, in order to ensure consistency between domestic policies aimed at the full realization of the right to food and external policies in the areas of trade, investment, development and humanitarian aid, and in accordance with the Guiding Principles on Extreme Poverty and Human Rights, to develop mechanisms that ensure that the right to food is fully taken into account in those policies.